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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,128	12/12/2001	Ragnar Ledesma	60130-986/00MRA0576	2472

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EXAMINER

TO, TOAN C

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,128

Applicant(s)

LEDESMA ET AL.

Examiner

Toan C To

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 6 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12-12-2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claims 1 and 11 are objected to because of the following informalities: "a second vehicle underside profile" in lines 3-4 should be --a second vehicle underside profile segment--, "the first underside profile" in line 4 should be --the first underside profile segment--, and "a vehicle isle" should be --a vehicle aisle--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, and 7-12, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belik et al (U.S. 4,469,369) in view of Ruppert et al (U.S. 6,276,474).

Belik et al discloses an independent undercarriage module for a low floor vehicle with the following: a subframe (23, as best seen in Fig. 2,) having a first subframe segment (portion of frame 23 beneath floor 8) mountable adjacent a first vehicle underside profile segment (8); a second subframe segment (24) mountable adjacent a second underside profile segment (9); wherein the first profile segment (8) defining a floor for a vehicle aisle; a suspension system (21) mounted to the subframe.

Belik et al does not directly disclose an independent undercarriage module for a low floor vehicle, wherein, and the second profile segment (18) defining the floor beneath a passenger seat.

Ruppert et al teaches the invention wherein second profile segment defining the floor beneath a passenger seat.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify an independent undercarriage of Belik et al as taught by Ruppert et al such that the seat is arranged above the second profile segment, and the first profile segment defines a vehicle aisle in order to provide comfortable and easy access for passenger while entering or exiting the vehicle.

As to claims 2-3, Belik et al discloses an independent undercarriage module for a low floor vehicle with the following: wherein, the suspension system (21) mounted substantially below the second subframe segment (24) with reference to the vehicle; wherein, the suspension system includes a non-driven wheel (as best seen in figure 2, the wheel 20 is connected to a steering knuckle for steering but not connected to a drive shaft, therefore, the wheel 20 on the left hand side of Fig. 2 is considered a non-driven wheel).

As to claims 4-5, 12, Belik et al does not directly disclose what type of material is use to make their subframe. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify their invention such that the subframe is manufactured of composite material and includes a laminate material which resists torsional loads in order to increase load capacity of the vehicle. It

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has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

As to claim 7, and 14, Belik et al discloses an independent undercarriage module for a low floor vehicle with the following: wherein the subframe includes a multiple of substantially planar member (24, 23).

As to claims 8-11, and 15, Belik et al discloses an independent undercarriage module for a low floor vehicle with the following: a plurality of resilient dampers (26) mounted to the subframe (23), wherein the resilient dampers (26) are mounted between the subframe and the vehicle underside, and the dampers filter high frequency vibrations generated by the suspension system (21).

Allowable Subject Matter

4. Claims 6, 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure includes the following: Van Mullem (U.S. 4,393,955), Church (U.S. 2,005,312), Guernsey (U.S. 1,710,616), and Hotta et al (U.S. 4,752,086) disclose a low floor vehicle having a first profile segment beneath passenger seat and a second profile segment define a vehicle aisle.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan To whose telephone number is (703) 306-5951. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson, can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-2571. Any inquiry of a general nature or relating to the status of this application or this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1113.

To, T

July 26, 2003